

# **EXECUTIVE SECRETARIAT** **ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR		X		
4	D/ICS	X			
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt	X			
13	D/OLL				
14	D/PAO				
15	D/PERS				
16	VC/NIC				
17					
18					
19					
20					
21					
22					

SUSPENSE

Date

Remarks

Executive Secretary

26 Dec 85

Date

3637 (10-81)



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
December 19, 1985

27 DEC 1985

Executive Registry	
85-	5054/1

*1126-SR*

M-86-9

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM: *James E. Miller III*  
Director

SUBJECT: Agency Operations in the Absence of  
Appropriations

Once again -- twice in a single week -- a Continuing Resolution for some Executive departments and agencies may expire without some form of appropriations taking effect. The most recent Continuing Resolution will expire at midnight tonight. As you know, thus far, only six regular appropriations bills for FY 1986 have been signed into law: Commerce/Justice/State; Energy/Water; HUD/Independent Agencies; Labor/HHS; the Legislative Branch; and Military Construction. However, the following seven appropriations measures have not been enacted: Agriculture/Related Agencies; Defense; District of Columbia; Foreign Operations; Interior; Transportation; and Treasury/Postal Service/General Government.

A list of agencies affected by the expiration of the Continuing Resolution may be found in the appendix to this memorandum.

As you know, Congress currently is considering another Continuing Resolution to provide funds for the rest of the fiscal year for the agencies not yet appropriated. Naturally, the President hopes that an acceptable Continuing Resolution will be enacted. However, prudence dictates that you begin planning to implement your agency's plan for an orderly shutdown of non-excepted activities if Congress fails to act in a timely fashion.

In the event Congress fails to enact a Continuing Resolution prior to Friday, December 20th, then, if you are the head of an agency listed in the appendix, you should tell your employees to report for work on that day on schedule. However, pursuant to your agency's plan in the event of an appropriations hiatus, you should instruct your employees to engage only in shutdown-related activities.

During the course of the day on December 20th, a determination will be made whether it appears with reasonable certainty that an acceptable Continuing Resolution is about to be enacted. If it does, you will be notified by your OMB budget examiner. In that event, you should tell your employees to remain at work and engage only in shutdown-related activities. (Of course, once an appropriations measure for your agency has been signed, you should instruct your employees to return to business as usual.)

On the other hand, if it cannot be determined with reasonable certainty that a Continuing Resolution will be enacted during the day, you will be notified of that as well. In that case, you should send home those employees identified as non-excepted in your agency shutdown plan.

Please direct any questions that cannot be answered on the basis of this memorandum and prior communications to your OMB budget examiner or to OMB Counsel. Please direct any unresolved legal questions relative to the construction of the Antideficiency Act to the Office of Legal Counsel of the Department of Justice.

Thanks again for your cooperation.

## AFFECTED AGENCIES

### Agriculture

Department of Agriculture (except Forest Service)  
Department of HHS, Food and Drug Administration  
Commodity Futures Trading Commission  
Farm Credit Administration

### Foreign Assistance

Department of State  
Department of Defense  
Agency for International Development  
Department of Agriculture  
Export-Import Bank

### Interior

Department of Agriculture, Forest Service  
Department of the Interior (except Bureau of Reclamation)  
Department of Energy  
    Energy conservation  
    Fossil energy R&D  
    Strategic Petroleum Reserve  
Department of Education, Indian education  
Department of HHS, Indian Health  
National Foundation on the Arts and Humanities  
Pennsylvania Avenue Development Corporation  
Smithsonian Institution  
Advisory Council on Historic Preservation  
Commission of Fine Arts  
Franklin Delano Roosevelt Memorial Commission  
National Capital Planning Commission  
Institute of Museum Services  
Native Hawaiians Study Commission  
Office of the Federal Inspector for the Alaska Natural Gas  
    Transportation System  
Navajo and Hopi Indian Relocation Commission  
United States Holocaust Memorial Council

### Transportation

Department of Transportation (except Maritime Administration)  
Architectural and Transportation Barriers  
    Compliance Board  
Civil Aeronautics Board  
Panama Canal Commission  
Washington Metropolitan Area Transit Authority  
Interstate Commerce Commission  
National Transportation Safety Board  
United States Railway Association

Treasury/Postal Service/General Government

Legislative Branch, U.S. Tax Court  
Executive Office of the President  
Department of the Treasury (except revenue sharing)  
General Services Administration (except as noted otherwise)  
Office of Personnel Management  
Postal Service  
Administrative Conference of the United States  
Advisory Committee on Federal Pay  
Committee for Purchase from the Blind and other Severely  
Handicapped  
Federal Election Commission  
Federal Labor Relations Authority  
Advisory Commission on Intergovernmental Relations  
Merit Systems Protection Board

Defense

Department of Defense  
Central Intelligence Agency  
Intelligence Community Staff

District of Columbia

District of Columbia

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